

**DECISION**

THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

28559

FILE: B-215478

DATE: June 19, 1984

MATTER OF: Belden Corporation

## DIGEST:

Protest regarding the acceptability of the awardee's product is dismissed as untimely where the awardee's product was identified in the solicitation as acceptable but the protest to GAO was not filed until after the closing date for receipt of proposals.

Belden Corporation protests the award of a contract to Siecor Corporation under request for proposals No. DLA500-84-R-0474, issued by the Defense Industrial Supply Center for the procurement of shielded telephone cable.

It is clear from the documents provided our Office by Belden that the protest is untimely. We therefore dismiss the protest without further development. 4 C.F.R. § 21.3(q) (1984).

The solicitation schedule listed both Belden and Siecor as "acceptable sources" of telephone cable and identified one product of each company. Belden alleges that the two brands of cable are not alike in all electrical and physical characteristics and that, given these differences and the resulting inequalities in regard to price, it is unfair and discriminatory to include the Siecor cable as an alternative to the Belden cable.

The solicitation was issued on April 24, 1984 and the closing date for receipt of proposals was May 10. Belden, however, did not file its protest with our Office until June 7, upon being notified of award to Siecor, even though inter-office correspondence submitted by Belden reveals that Belden knew at least as early as May 1 that the two brands of cable allegedly possessed different characteristics.

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Our Bid Protest Procedures require that protests based upon alleged improprieties in a solicitation which are apparent prior to the closing date for receipt of proposals be filed prior to that date to be considered on the merits. 4 C.F.R. § 21.2(b)(1). See Turbine Support Systems, Incorporated, B-215157, June 5, 1984, 84-1 CPD ¶ \_\_\_\_. It is clear from the face of the solicitation that the procuring agency considered the Siecor product to be equally as acceptable as the Belden product. If Belden thought that was inappropriate, it was incumbent upon Belden to protest prior to the due date for receipt of proposals. Since Belden's protest was not filed until after that date, the protest is untimely.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel